

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-cv-12257-PBS
)	
)	Subcategory No. 06-11337-PBS
)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-</i>)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>)	
<i>through its principal officers and directors,</i>)	
<i>Zachary T. Bentley and T. Mark Jones v.</i>)	
<i>Actavis Mid Atlantic LLC, et al.</i>)	

**JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL
AS TO DEFENDANTS ACTAVIS, INC., ACTAVIS ELIZABETH LLC
AND ACTAVIS MID ATLANTIC LLC**

The Relator Ven-a-Care of the Florida Keys, Inc., and Defendants Actavis, Inc., Actavis Elizabeth LLC and Actavis Mid Atlantic LLC (collectively “Actavis”), (the Relator and Actavis collectively “the Parties”) hereby move the Court to extend the 90-day Order of Dismissal of May 27, 2011 (Doc. # 178), to allow the Parties an additional 60 days to conclude their settlement discussions and obtain the United States consent to the settlement before the Order of Dismissal becomes final.

At a hearing on May 24, 2011, the Parties reported to the Court that they had reached agreements in principle on settlements of the actions against Actavis. However, the parties reported it would take some time to draft and negotiate the details of the settlement documents, to secure the written consent of the United States and to seek the Court’s written consent as required by 31 U.S.C § 3730(b). Thereupon the Court entered an Order of Dismissal on May 27,

2011 allowing the parties 90 days to finalize the settlement. Doc. #178. The 90-day period expires Thursday, August 25, 2011.

In the time since May 24, counsel for the Parties have negotiated diligently and in good faith on the terms of the settlement agreement and related documents and worked closely with the United States to obtain the United States' consent to the settlement. Counsel for the Relator has also diligently been working on the terms of settlements reached in principle with the other remaining defendants. Despite their efforts, the Parties need additional time to finalize negotiations. The Parties do not anticipate problems finalizing the settlement and filing all necessary documents with the Court provided an additional 60 days is allowed by the Court.

For the foregoing reasons, the Parties request that the Court modify its 90-day Order of Dismissal of May 27, 2011 to allow the Parties an additional 60 days to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

Dated: August 22, 2011

Respectfully submitted,

ATTORNEYS FOR THE
RELATOR, VEN-A-CARE OF
THE FLORIDA KEYS, INC.

/s/ Alison W. Simon
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CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of August, 2011 caused an electronic copy of the above JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO DEFENDANTS ACTAVIS, INC., ACTAVIS ELIZABETH LLC AND ACTAVIS MID ATLANTIC LLC to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon
Alison W. Simon